

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 1663 - SB 2025

March 25, 2011

SUMMARY OF BILL: Creates private cause of actions for physical invasion of privacy and constructive invasion of privacy. Imposes civil liability for attempts to capture a visual image, sound recording, or any other physical impression of a person engaging in personal or familial activities. Establishes a scale for maximum civil liability for a person who commits such violation, or solicits another to commit such violation, to include up to three times the amount of general and special damages proximately caused by the violation; punitive damages; and a civil fine ranging from \$5,000 to \$50,000. Allocates one half of all fines collected to the prosecuting agency and one half to the newly created Privacy Enforcement Fund to provide grants to counties and cities as reimbursement for enforcement. Imposes civil liability, under limited circumstances, for the publication or other use of images or recordings captured through such violation. Establishes exceptions for law enforcement and related activities.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- According to the Administrative Office of the Courts, establishing a new civil cause of action will increase the caseloads of the courts; however, such increase is estimated to be minimal.
- The number of cases brought by a county or city official will be few and will not result in a significant increase in local expenditures or revenue.
- The cost associated with creating and maintaining the Privacy Enforcement Fund in the State Treasurer's office is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink, reading "James W. White".

James W. White, Executive Director

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